

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 05-80810

HON. LAWRENCE P. ZATKOFF

v.

CHARLES GADSON,

Defendant.

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**ORDER DENYING DEFENDANT’S MOTION FOR DISCOVERY**

Currently before the Court is Defendant Charles Gadson’s May 11, 2006 Motion for Discovery (#106). The Court permitted the parties to present oral arguments on this Motion on July 10, 2006. By this Motion, “Defendant seeks disclosure from the government whether any informant utilized in this case actively participated in or was a percipient witness to the acts underlying this prosecution, within the meaning of *Roviaro v. U.S.*, 353 U.S. 53 (1957), so that defendant may determine whether disclosure of the identity of the informant, pursuant to a Fed R Crim P 12(b)(1) motion, would be helpful to his defense or essential to the fair determination of the case.” Defendant’s Motion, ¶ 3.

Based on the Government’s response brief and its response at oral arguments, the Court finds that it is unnecessary to order the Government to disclose the requested information related to the confidential informant. The Government is clearly aware of its discovery obligations, but has a legitimate interest in protecting information related to the identity of the confidential informant. In *Roviaro*, the Court explained that the confidential informant’s privilege gives way “[w]here the disclosure of an informer’s identity, or of the contents of his communication, is relevant and helpful

to the defense of an accused, or is essential to a fair determination of a cause. . . .”

By way of discovery, the Government has supplied Defendants with thousands of pages of wiretap applications and affidavits. The Government has redacted certain portions of these applications and affidavits in order to protect the identity of the confidential informants. The Court is satisfied with the Government’s interest in protecting the confidential informants and finds that Defendant has not met its burden in having any further information related to the confidential informant revealed.

For these reasons, the Court HEREBY DENIES Defendant’s Motion for Discovery (#106).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: July 18, 2006

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 18, 2006.

s/Marie E. Verlinde

Case Manager

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